



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,718	04/11/2001	Daniel L. McConnell	069035.00001	9752

29391 7590 05/21/2003

BEUSSE, BROWNLEE, BOWDOIN & WOLTER, P. A.
390 NORTH ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
----------	--------------

3714

DATE MAILED: 05/21/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,718

Applicant(s)

MCCONNELL ET AL. *CM*

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-22 and 24-32 is/are pending in the application.
- 4a) Of the above claim(s) 14-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-13 and 24-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Claims 14-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 7.

2. Applicant's election with traverse of claims 7-13 and 24-32 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that claims 17-22 do not mention a video headset. This is not found persuasive because while claims 17-22 do not contain the words, "video headset", they are drawn to "a display unit adapted for hands-free portability". A review of the specification clearly shows that this "display unit adapted for hands-free portability" is a video headset. (See Fig 4) Claims 14-22 are to the details of the video display device where the elected claims are drawn to the overall system.

The requirement is still deemed proper and is therefore made FINAL.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Information Disclosure Statement

4. The information disclosure statement filed 11 April 2001 & 10 September 01 fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that

Art Unit: 3714

portion which caused it to be listed. They have been placed in the application file, but the information referred to therein has not been considered.

Specification

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: A System And Method For Use Of A Portable Stereo-Optic Video Device For Viewing A Live Event.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 7, 10-12, 27, 29, & 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashigawa (US Patent Number 5,865,624).

Claim 7, 12, 27, 29: Hayashigawa teaches providing a plurality of cameras (16, 18) at a plurality of locations (one pair to each car) at the event (race) for producing a plurality of video signals responsive to a scene. Hayashigawa teaches transmitting wireless communication signals corresponding to the plurality of video signals via a transmitter (24) at the event. Hayashigawa teaches a plurality of portable display units (40) containing a receiving device (28) and a video display device (44, 46). The portable display units are adapted for receiving the wireless communications directly from the

transmitter (Fig 1) and for displaying images responsive to selective ones of the video signals for personal viewing by attendees at the event. (Abstract)

Claim 10: Hayashigawa teaches transmitting signals corresponding to a predetermined content (i.e., a race or other event) via the wireless communication system for selected viewing by the attendees. (Col 1, 7-47)

Claim 11: Hayashigawa teaches use of the device to display NASCAR races. (Col 3, 37-42) Examiner takes official notice of the fact that NASCAR race cars are covered in advertising materials – i.e., the logos of the sponsors. When transmitting the images of the race, Hayashigawa must transmit this advertising material. Thus Hayashigawa teaches transmitting wireless communications signals corresponding to advertising content via the wireless communication system for viewing by the attendees.

Claim 30: Hayashigawa teaches cameras in each car (i.e., a plurality of pairs of cameras) and a transmitter (i.e., the telemetry package) connected to the cameras for transmitting a view from the perspective of the video camera. (Col 7, 1-2) The viewer may choose which of the cameras to view (i.e., the viewer may select which car to “ride”). (Col 8, 8-15)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3714

9. Claims 8, 13, 24, 25, 28 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashigawa as applied to claim 7, 12, 27, 29 in view of Anderson (US Patent Number 5,714,997).

Claim 8, 24, 28, 32: Hayashigawa teaches the invention substantially as claimed.

Hayashigawa teaches transmitting wireless communications signals corresponding to the plurality of video signals via the wireless communication system. (Fig 2) There are personal display units (44 & 46) for displaying images for personal viewing by attendees. Hayashigawa teaches providing a pair of cameras (16 & 18) at each of the plurality of locations (i.e., on each car) at the event for producing a panoramic view (Col 7, 11-15), but does not teach stereo-optic images. Anderson teaches using stereo-optic video signals and a stereo-optic video display device (Fig 31) to display three-dimensional images of the live event. This provides a realistic three-dimensional image to the viewer, thus increasing the viewer's sense of participation in the live event. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used stereo-optic signals and a stereo-optic video display device to provide a realistic three-dimensional image to the viewer, thus increasing the viewer's sense of participation in the live event.

Claim 13: Anderson teaches that the personal display unit is a pair of stereo goggles.

(Col 39, 35-43) Goggles have a headset for supporting the receiving device and the video display device.

Claim 25: Hayashigawa teaches cameras in each car (i.e., a plurality of pairs of cameras) and a transmitter (i.e., the telemetry package) connected to the cameras for transmitting a

Art Unit: 3714

view from the perspective of the video camera. (Col 7, 1-2) The viewer may choose which of the cameras to view (i.e., the viewer may select which car to “ride”). (Col 8, 8-15)

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashigawa as applied to claim 7 above in view of official notice.

Claim 9: Hayashigawa teaches the invention substantially as claimed including use of the device by those attending the event (Col 8, 18-20), but does not teach renting the personal display units. Examiner takes official notice that the profit motive is well known. Renting the display units would allow the owner to make money off of the device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have rented the personal display units to patrons in order to allow the owner to make a profit.

11. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashigawa and Anderson as applied to claim 24 above, and further in view of Simonelli (US Patent Number 4,817,948).

Claim 26: Hayashigawa and Anderson teach the invention substantially as claimed, but do not teach a positioning device with controller, transmitter and receiver for changing the position of the cameras in response to the physical input of the observer. Simonelli teaches mounting cameras in remote control racing cars. The cars move under the control of the observer. This moves the camera relative to the scene in response to the position signal. There is a receiver (32) and a transmitter (32). Fig 3 shows the portable controller for producing the position input signals in response to physical input signals

provided by the observer – i.e., steering the car. Hayashigawa teaches that the device can be used with any number of types of vehicles. (Col 6, 38-39) Hayashigawa teaches that the invention gives the participant a more realistic sensation of participation in the event. Simonelli teaches that the purpose of the invention is to provide a more realistic sensation of participation in the remote control car racing event. It would have been obvious to one of ordinary skill in the art at the time of the invention to have adapted Hayashigawa's system to remote control car racing (thus allowing the participant to change the location of the cameras in response to user input) as suggested by Simonelli in order to provide a more realistic sensation of participation in the remote control car racing event.

12. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashigawa as applied to claim 29 above, and further in view of Simonelli (US Patent Number 4,817,948).

Claim 31: Hayashigawa teaches the invention substantially as claimed, but does not teach a positioning device with controller, transmitter and receiver for changing the position of the cameras in response to the physical input of the observer. Simonelli teaches mounting cameras in remote control racing cars. The cars move under the control of the observer. This moves the camera relative to the scene in response to the position signal. There is a receiver (32) and a transmitter (32). Fig 3 shows the portable controller for producing the position input signals in response to physical input signals provided by the observer – i.e., steering the car. Hayashigawa teaches that the device can be used with any number of types of vehicles. (Col 6, 38-39) Hayashigawa teaches that the invention gives the participant a more realistic sensation of participation in the event.

Art Unit: 3714

Simonelli teaches that the purpose of the invention is to provide a more realistic sensation of participation in the remote control car racing event. It would have been obvious to one of ordinary skill in the art at the time of the invention to have adapted Hayashigawa's system to remote control car racing (thus allowing the participant to change the location of the cameras in response to user input) as suggested by Simonelli in order to provide a more realistic sensation of participation in the remote control car racing event.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reference Name	US Patent Number	Applicability
Rallison et al.	5,903,395	Goggles
Ho et al.	6,497,608	Car with camera
Spry	5,596,319	Car with camera
Yoshimatsu	6,326,994	Stereographic imaging apparatus
Takemoto et al.	5,707,237	Car with camera

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Application/Control Number: 09/832,718

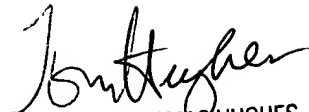
Page 9

Art Unit: 3714



cbc

May 15, 2003



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700